

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #7	CCRB Case #: 202006527	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday 09/27/2020 3:08 AM	18 Mo. SOL 03-27-2022	EO SOL 05-04-2022	Location of Incident: █ East 49th Street		Precinct: 67
Date/Time CV Reported Mon, 09/28/2020 11:49 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 09/28/2020 11:49 AM		

Complainant/Victim	Type	Home Address
1. R █ N █	Comp/Witness	█ East 49th Street Brooklyn NY 11203
2. R █ N █	Victim	█ East 49th Street Brooklyn NY 11203
3. P █ N █	Victim	█ East 49th Street Brooklyn NY 11203

Witness(es)	Home Address
1. A █ H █	█ East 49th Street Brooklyn NY 11203

Subject Officer(s)	Shield	TaxID	Command
1. POM E █ D █	█	█	INT CIS
2. POM S █ R █	█	█	INT CIS
3. POM E █ L █	█	█	INT CIS
4. POM Joseph Bautista	00113	954534	INT CIS
5. POM B █ B █	█	█	INT CIS
6. POM T █ T █	█	█	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM D █ Y █	█	█	067 PCT
2. POF J █ V █	█	█	067 PCT
3. POM F █ V █	█	█	INT CIS
4. POM V █ V █	█	█	INT CIS
5. POM E █ G █	█	█	INT CIS
6. SGT D █ G █	█	█	INT CIS
7. LT J █ G █	█	█	067 PCT
8. POM A █ G █	█	█	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A . POM E █ D █	Abuse of Authority: Police Officer E █ D █ stopped R █ N █	A . Exonerated
B . POM S █ R █	Abuse of Authority: Police Officer S █ R █ stopped R █ N █	B . Exonerated
C . POM E █ D █	Abuse of Authority: Police Officer E █ D █ stopped P █ N █	C . Exonerated
D . POM S █ R █	Abuse of Authority: Police Officer S █ R █ stopped P █ N █	D . Exonerated
E . POM B █ B █	Abuse of Authority: Police Officer B █ B █ searched the vehicle in which R █ N █ was an occupant.	E . Exonerated

Officer(s)	Allegation	Investigator Recommendation
F . POM E [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.	F . Exonerated
G . POM E [REDACTED] B [REDACTED]	Discourtesy: Police Officer B [REDACTED] B [REDACTED] spoke discourteously to Ro [REDACTED] N [REDACTED]	G . Exonerated
H . POM S [REDACTED] R [REDACTED]	Force: Police Officer S [REDACTED] R [REDACTED] pointed his gun at P [REDACTED] N [REDACTED]	H . Substantiated
I . POM E [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] frisked Ro [REDACTED] N [REDACTED]	I . Exonerated
J . POM Joseph Bautista	Abuse of Authority: Police Officer Joseph Bautista frisked P [REDACTED] N [REDACTED]	J . Exonerated
K . POM E [REDACTED] B [REDACTED]	Discourtesy: Police Officer B [REDACTED] B [REDACTED] spoke discourteously to Ro [REDACTED] N [REDACTED]	K . Substantiated
L . POM S [REDACTED] R [REDACTED]	Abuse of Authority: Police Officer S [REDACTED] R [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.	L . Exonerated
M . POM T [REDACTED] T [REDACTED]	Abuse of Authority: Police Officer T [REDACTED] T [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.	M . Exonerated
N . POM E [REDACTED] L [REDACTED]	Abuse of Authority: Police Officer E [REDACTED] L [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.	N . Exonerated
O . POM Joseph Bautista	Abuse of Authority: Police Officer Joseph Bautista searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.	O . Exonerated
P . POM E [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] threatened to arrest Ro [REDACTED] N [REDACTED]	P . Exonerated

Case Summary

On September 28, 2020, R■■■■ N■■■■ filed this complaint via the CCRB Call Processing System on behalf of his sons R■■■■ N■■■■ age 23 at the time, and P■■■■ N■■■■ age 17 at the time.

On September 27, 2020, at approximately 3:00 AM, Police Officer E■■■■ D■■■■ Police Officer S■■■■ R■■■■ Police Officer B■■■■ B■■■■ Police Officer Joseph Bautista, Police Officer T■■■■ T■■■■ and Police Officer E■■■■ L■■■■ of the Criminal Intelligence Section and other Members of Service (MOS) from the same command and the 67th Precinct approached R■■■■ N■■■■'s parked car, where he and his brother P■■■■ N■■■■ were asleep, outside 957 East 49th Street in Brooklyn. Since then, PO B■■■■ PO Bautista, PO T■■■■ and PO L■■■■ have all been promoted to Detective. The MOS initially intended to do a wellness check on the two sleeping individuals, but after they woke up R■■■■ N■■■■ in the driver's seat and had him roll down his window, they smelled the odor of marijuana coming from inside the vehicle (**Allegations A,B, C & D: Abuse of Authority –Stop, Exonerated**). R■■■■ N■■■■'s movements as he woke up caused PO B■■■■ and PO D■■■■ to believe he might be shifting into drive from park in order to flee. This caused PO B■■■■ to reach into the open window and hold R■■■■ N■■■■ against the seat while PO D■■■■ reached in to open the door to unlock it from inside. (**Allegation E & F: Abuse of Authority – Vehicle Search, Exonerated**). While doing so, PO B■■■■ used profanity when speaking to R■■■■ N■■■■ (**Allegation G: Discourtesy – Word, Exonerated**).

At approximately the same time, PO R■■■■ approached the rear passenger door where P■■■■ N■■■■ was still asleep. When he woke up, he put his right hand between the seat and the door and PO R■■■■ pulled out his gun and pointed it for approximately two seconds at P■■■■ N■■■■'s chest (**Allegation H: Force – Gun Pointed, Substantiated**).

The officers told the N■■■■ brothers to exit the vehicle and PO D■■■■ frisked R■■■■ N■■■■ and PO Bautista frisked P■■■■ N■■■■ (**Allegations I & J: Abuse of Authority – Frisk, Exonerated**). At that point, R■■■■ N■■■■ began shouting towards the house to wake his father, who he thought was home at the time, and PO B■■■■ used profanity when telling him to stop yelling (**Allegation K: Discourtesy – Word, Substantiated**). At that point PO R■■■■, PO T■■■■, PO L■■■■, and PO Bautista searched the vehicle (**Allegations L - O: Abuse of Authority – Vehicle Search, Exonerated**).

PO R■■■■ found marijuana in the car which resulted in a summons. While PO R■■■■ was writing the summons away from the N■■■■ brothers, PO D■■■■ told R■■■■ N■■■■ if he provided a false name and date of birth, he would be brought into the stationhouse, which R■■■■ N■■■■ interpreted as a threat of arrest (**Allegation P: Abuse of Authority – Threat of Arrest, Exonerated**). Once PO R■■■■ gave R■■■■ N■■■■ a summons for marijuana possession, the MOS left.

The NYPD Legal Department provided 13 Body-Worn Camera (BWC) videos in regards to this incident. (**Board Review 1**)

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] stopped Ro [REDACTED] N [REDACTED]

Allegation B: Abuse of Authority: Police Officer S [REDACTED] R [REDACTED] stopped R [REDACTED] N [REDACTED]

Allegation C: Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] stopped P [REDACTED] N [REDACTED]

Allegation D: Abuse of Authority: Police Officer S [REDACTED] R [REDACTED] stopped P [REDACTED] N [REDACTED]

Allegation E: Abuse of Authority: Police Officer E [REDACTED] B [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation F: Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation G: Discourtesy: Police Officer B [REDACTED] B [REDACTED] spoke discourteously to Ro [REDACTED] N [REDACTED]

Allegation H: Force: Police Officer S [REDACTED] R [REDACTED] pointed his gun at P [REDACTED] N [REDACTED]

Allegation I: Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] frisked Ro [REDACTED] N [REDACTED]

Allegation J: Abuse of Authority: Police Officer Joseph Bautista frisked P [REDACTED] N [REDACTED]

Allegation K: Discourtesy: Police Officer B [REDACTED] B [REDACTED] spoke discourteously to Ro [REDACTED] N [REDACTED]

Allegation L: Abuse of Authority: Police Officer S [REDACTED] R [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation M: Abuse of Authority: Police Officer T [REDACTED] T [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation N: Abuse of Authority: Police Officer E [REDACTED] L [REDACTED] searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation O: Abuse of Authority: Police Officer Joseph Bautista searched the vehicle in which Ro [REDACTED] N [REDACTED] was an occupant.

Allegation P: Abuse of Authority: Police Officer E [REDACTED] D [REDACTED] threatened to arrest Ro [REDACTED] N [REDACTED]

At the time of the incident, Ro [REDACTED] N [REDACTED] a rapper, recording artist and regular marijuana smoker, told the CCRB he and P [REDACTED] N [REDACTED] just returned home in his car. (**Board Review 2**) They had spent the night at a recording studio with Ro [REDACTED] N [REDACTED] girlfriend smoking marijuana but said they did not smoke any in his car afterwards. They dropped his girlfriend off at home, with plans to drop P [REDACTED] N [REDACTED] off and when she was ready to come out again, she would call. It being so late, P [REDACTED] N [REDACTED] fell into a deep sleep in the back passenger seat. Ro [REDACTED] N [REDACTED] backed into his family's driveway and inadvertently fell asleep himself while waiting for his girlfriend to call.

PO D [REDACTED] said he was in a patrol caravan of about three or four vehicles when an unknown officer in another vehicle announced over the radio the N [REDACTED] brothers were passed out in a car in front of their home. (**Board Review 3**) Wanting to make sure they were alright, as they might have needed medical attention, they determined to check on them. He listed potential scenarios of gunshot wounds, overdoses, or diabetic comas as reasons why they approached the vehicle. PO

R■■■■ echoed the sentiments as well in his statement. **(Board Review 4)** PO B■■■■ said checking on unconscious individuals to make sure they were not in danger is what good officers should do. **(Board Review 5)**

PO D■■■■'s BWC shows him knocking on the closed driver's door window at timestamp 0:49. **(Board Review 6)** When R■■■■ N■■■■ rolled down his window, PO D■■■■ said he smelled the unique odor of marijuana and saw what he identified as crumbs of it on the floor. **(Board Review 3)** At that point PO D■■■■ said this interaction was no longer a wellness check, but a stop. PO B■■■■ said he smelled marijuana once the window was down. **(Board Review 5)**

PO R■■■■'s BWC shows he and PO Bautista approaching the vehicle's passenger side and he knocks on the windshield at timestamp 0:45. **(Board Review 7)** He then then knocks on the back seat window where PO Bautista is shining a light on the sleeping P■■■■ N■■■■. PO R■■■■ said he saw marijuana crumbs and ashes in the center console and on the floor when he looked through the window. **(Board Review 4)**

R■■■■ N■■■■ said a flashlight in his eyes and the sound of knocking woke him up. **(Board Review 2)** He rolled down his window to find out what was happening, and PO D■■■■ asked if he was alright and said he was just checking on him. Not knowing what gear his car was in, or if his foot was on the brake, and being disoriented, he reached for the gear shifter to ensure it was in park. PO D■■■■ said he was worried he would try to drive off and PO B■■■■ added one of his partners was disabled from being dragged by a fleeing vehicle which is why he reached inside to prevent R■■■■ N■■■■ from changing gears. **(Board Review 3 & Board Review 5)**

PO D■■■■ BWC shows PO B■■■■ reaching inside the vehicle at timestamp 1:09, taking a fistful of R■■■■ N■■■■'s shirt and telling him to not move. **(Board Review 6)** Both officers then repeatedly instruct him to not move and get out of the car. R■■■■ N■■■■ appears very confused and indicates he's opening the door. At timestamp 1:16, PO B■■■■ tells him he is, "Not opening shit," while PO D■■■■ reaches in and opens the door from the inside himself. PO B■■■■ tells R■■■■ N■■■■ to turn the car off and get out. PO B■■■■ said he swore because it appeared to him that R■■■■ N■■■■ was making no attempt to open the door like he said he was. **(Board Review 5)** Just before fully exiting the vehicle, R■■■■ N■■■■ shakes his younger brother awake by reaching into the back seat at timestamp 1:36 of PO D■■■■'s BWC. **(Board Review 6)**

PO R■■■■ BWC captured what happened at the rear passenger seat at almost the same time. When he and PO Bautista knock on the window, P■■■■ N■■■■ remains asleep at timestamp 1:02, with his left hand in his front jeans pocket and his right hand on his lap. **(Board Review 7)** In statements to the CCRB, both N■■■■ brothers and their mother, A■■■■ H■■■■ said P■■■■ N■■■■ is a very heavy sleeper which is why he took longer to wake up. **(Board Review 2, Board Review 8, & Board Review 9)** At timestamp 1:34 of PO R■■■■ BWC, P■■■■ N■■■■ jerks awake and is disoriented. **(Board Review 7)** He sits up and looks around while PO Bautista tells him to stop moving. At timestamp 1:36, PO R■■■■ points his gun at P■■■■ N■■■■'s chest

through the window for about two seconds while saying, “Don’t reach!” and “Let me see your hand!”

PO R■■■■ stated while P■■■■ N■■■■ did not appear to be awake, he considered the possibility the teenager was only feigning sleep and was perhaps lying in wait to ambush the officers. **(Board Review 4)** PO R■■■■ said could not see P■■■■ N■■■■’s hands fully as one was in his pants. When he did appear to wake up, PO R■■■■ said he looked startled and put his hands down between the seat and the door. At the same time, he heard other officers shouting that he was moving, and PO R■■■■ thought P■■■■ N■■■■ may have been reaching for a knife or a gun so he unholstered his firearm and pointed it at him. He justified this by describing the neighborhood as dangerous – known for frequent gun and gang violence – and he has responded to that street, but not necessarily that block, before for reports of shots fired. From the beginning of the year to when PO R■■■■ made his statement, he said the East Flatbush area had 22 incidents of gun violence. Just prior to his interview, not only was someone shot in that precinct, but he also recovered another gun himself. He also said one of his responsibilities is to return home safely at the end of his tour. He said he chose to point his firearm rather than other less lethal equipment like his conducted electrical weapon (CEW) because the window was blocking P■■■■ N■■■■ and it would have rendered such methods ineffective. He also said he was trained to use a higher level of force than what a potentially violent civilian would use.

Once PO R■■■■’s firearm is holstered, PO Bautista opens P■■■■ N■■■■’s door at timestamp 1:42 and tells him to step out. **(Board Review 10)** Upon exiting the vehicle, both brothers were frisked. PO Bautista’s BWC shows him frisking P■■■■ N■■■■ at timestamp 2:07 and PO D■■■■’s shows him frisking Ro■■■■ N■■■■ at timestamp 1:41 before being brought to the rear of the vehicle. **(Board Review 6 & Board Review 10)**. Neither officer puts their hands inside any pockets or clothes.

According to Ro■■■■ N■■■■ he did his best to make as much noise as possible by yelling and knocking on his home’s window in order to wake up his parents and anyone else in the neighborhood because he feared for his safety. **(Board Review 2)** At the time, he did not know his father was not home. At timestamp 2:31 of PO D■■■■’s BWC, PO B■■■■ warns him once to stop screaming and when he bangs in the window, PO B■■■■ tells him to “stop fucking moving.” **(Board Review 6)** PO B■■■■ said the word “fucking” just came out in the moment. **(Board Review 5)** Ro■■■■ N■■■■ tells him he wants people to see this. He also says he doesn’t care that the officers detect marijuana in his car. **(Board Review 6)**

At that point PO R■■■■ PO L■■■■ and PO T■■■■ searched the vehicle. PO R■■■■ searched the front and back passenger area and recovered a plastic baggie of marijuana in the back door handle and evidence of marijuana packaging in the glove compartment such as other unused baggies with the word “cannabis” printed on them. **(Board Review 7)** In his statement, Ro■■■■ N■■■■ estimated PO R■■■■ found about \$5.00 worth of marijuana. **(Board Review 2)**

Once the officers searching the vehicle are finished, PO D■■■■ tells the N■■■■ brothers to get back in the car at timestamp 4:56 of his BWC and they return to their original seats. **(Board**

Review 6) At timestamp 5:08, PO R████ tells Mr. N████ to pop the trunk, which he does, and PO B████ and PO Bautista open the trunk and search inside. They remove some bags and other items a place them on the driveway but do not recover any additional marijuana. Ro████ N████ was upset at they did not put everything back the way it was. **(Board Review 2)**

While those officers searched the trunk, PO R████'s BWC shows him standing at the open back door where P████ N████ is sitting and tell them they're checking up on them for their safety. **(Board Review 7)** Ro████ N████ uses his brother's cellphone to speak to his father at timestamp 6:42, who instructs him to get shield numbers. After getting their names and shield numbers, Ro████ N████ mentions the CCRB and repeats PO D████'s and PO R████'s names at timestamp 10:25 of PO D████ BWC. **(Board Review 6)** He does however say PO R████'s name closer to "Rizzio." After Ro████ N████ insults PO R████ and his family repeatedly for about two minutes, at timestamp 10:49 of his BWC, PO R████ takes the baggie of marijuana back to the parked caravan of NYPD vehicles to write the summons and asks someone to take down Ro████ N████'s information. **(Board Review 7)**

At around the same time in PO D████'s BWC at timestamp 11:13, with no apparent reason, PO D████ says he has to warn him it is a misdemeanor if Ro████ N████ lies about his name or date of birth. **(Board Review 6)** Ro████ N████ says he's not lying and then PO D████ asks what his name is, which he responds as "Ro████ PO D████ asks how to spell it and when Ro████ N████ asks if the officer can't spell "Ro████ PO D████ says he can bring him to the stationhouse and figure it out there at timestamp 11:32. Ro████ then spells "Ro████" and provides his last name and date of birth. Shortly after, PO R████ gives Ro████ N████ a summons for Unlawful Marijuana Possession in the 2nd Degree before leaving. **(Board Review 11)**

As Patrol Guide Procedure 200-02 entitled *The Mission, Vision, and Values of the New York City Police Department* commands, officers are to protect the lives and property of fellow citizens. **(Board Review 12)** If that is their primary objective, they would have had reasonable motives to approach a vehicle with two apparently unconscious individuals inside. As the three MOS interviewed stated, they wanted to make sure they were not injured or in need of some other assistance. However, once they neared the vehicle, they detected marijuana, which was still illegal at the time in New York State. Ro████ N████ admitted to having smoked marijuana earlier that night and even if the N████ brothers did not, as he said, smoke inside the car, their clothes and persons would have likely retained the specific odor of marijuana. The marijuana found inside the vehicle would have also likely emanated an odor.

According to Patrol Guide Procedure 212-11, a stop, which would establish to a reasonable person they were not free to leave, "may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor." **(Board Review 13)** As per PG 200-02, the officers were obligated to check on the sleeping N████ brothers as part of their mission to protect the lives of New Yorkers, but once they smelled the odor of marijuana, they were justified in stopping them since it was still illegal to possess. It is therefore recommended that **Allegations A, B, C, and D be exonerated.**

Furthermore, *People v McLaren*, 131 A.D.3d 548, determined that probable cause exists for the warrantless search of the defendant's vehicle and its occupants due to the “odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it,” (*People v Cuffie*, 109 AD3d 1200, 1201, 972 NYS2d 383 [2013] [internal quotation marks omitted]; *People v Robinson*, 103 AD3d 421, 959 NYS2d 188 [2013]; *People v Smith*, 66 AD3d 514, 887 NYS2d 562 [2009]). (**Board Review 14**) Since PO D■■■■ PO B■■■■ and PO R■■■■ had a reasonable belief marijuana, which was still illegal at the time, was inside the vehicle, based on what they smelled and saw, *People v McLaren* would have given officers a legitimate reason to search the vehicle and frisk the occupants. It is therefore recommended **Allegations E, F, I, J, L, M, N, and O** be **exonerated**.

Patrol Guide Procedure 221-01 also tells MOS to protect human life and continues with, “drawing a firearm prematurely or unnecessarily limits a uniformed member’s options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulatable belief that the potential for serious physical injury is present.” (**Board Review 15**) Deadly force can only be used “to protect MOS and/or the public from imminent serious physical injury or death.”

P■■■■ N■■■■’s actions did not indicate he posed a serious and imminent physical threat to PO R■■■■ or his fellow officers. Based on PO R■■■■’s BWC, P■■■■ N■■■■ simply appears to be a confused teenager being startled awake by a caravan’s worth of police officers. While his hand did disappear from view momentarily, PO R■■■■’s reasons for pointing his gun at P■■■■ N■■■■’s chest, such as not knowing what he was doing, do not rise to the level of an imminent threat and the infamous reputation of the neighborhood is irrelevant to what took place in the N■■■■ driveway. His use of potential deadly force was unjustifiable, and it is therefore recommended that **Allegation H** be **substantiated**.

In DCT Case #79627/04 Assistant Deputy Commissioner of Trial, R■■■■ W. Vinal, ruled, “When a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct.” (**Board Review 16**) When PO B■■■■ said Ro■■■■ N■■■■ wasn’t “opening shit,” the situation was at a level of stress where such language would arguably be acceptable. Both he and PO D■■■■ expressed a reasonable fear of Ro■■■■ N■■■■ being able to quickly attempt to flee and PO B■■■■ was trying to control the situation. It is therefore recommended that **Allegation G** be **exonerated**.

While it may have been reasonable for him to use profanity at that point, PO B■■■■’s statement of “Stop fucking moving” was not said during an especially stressful portion of the encounter. Ro■■■■ N■■■■ was not resisting the officers, nor was he making himself a threat and he had already been frisked. He may have repeatedly called out, but the situation was under control and did not appear to rise to the level of stress needed to justify PO B■■■■ to swear at him. It is therefore recommended that **Allegation K** be **substantiated**.

Patrol Guide Procedure 209-03 instructs officers on issuing summonses. (**Board Review 17**) When doing so, officers are required to establish the violator's identity and mailing address via valid identification documents such as, but not limited to, a driver's license, a passport, naturalization papers, etc. If someone does not have a valid form of ID, the Patrol Guide tells officers to "remove the violator to the command" to establish identification.

PO D [REDACTED] correctly warned Ro [REDACTED] N [REDACTED] if he did not provide his proper name and date of birth that he could, as per the Patrol Guide, take him to the stationhouse to identify him there. This was not an idle threat, but a fact, and therefore not misconduct. Based on the above, it is recommended that **Allegation P** be **exonerated**.

Civilian and Officer CCRB Histories

- PO E [REDACTED] D [REDACTED] has been a member of service for nine years and has been the subject in nine other CCRB complaints and 10 other allegations, none of which were substantiated. PO D [REDACTED] CCRB history does not reflect any apparent patterns pertinent to this investigation. (**Board Review 18**)
- PO S [REDACTED] R [REDACTED] has been a member of service for eight years and has been the subject in eight other CCRB complaints and 32 other allegations, none of which were substantiated (**Board Review 19**):
 - PO R [REDACTED] CCRB history reflects a pattern of Guns Pointed, Vehicle Stops, Vehicle Searches, and refusals to provide name pertinent to this investigation.
- Det. B [REDACTED] B [REDACTED] has been a member of service for eight years and has been the subject in five other CCRB complaints and seven other allegations, none of which were substantiated (**Board Review 20**):
 - Det. B [REDACTED]'s CCRB history reflects a pattern of vehicle searches and discourteous words pertinent to this investigation.
- Det. Joseph Bautista has been a member of service for eight years and has been the subject in eight other CCRB complaints and 28 other allegations, none of which were substantiated (**Board Review 21**):
 - Det. Bautista's CCRB history reflects a pattern of searches of people and vehicle searches pertinent to this investigation.
- Det. T [REDACTED] T [REDACTED] has been a member of service for six years and has been the subject in 14 other CCRB complaints and 44 other allegations, four of which were substantiated (**Board Review 22**):
 - 201710160 involved allegations of Abuse - Vehicle Search against Det. T [REDACTED]. The Board recommended Command Discipline B and the NYPD imposed Formalized Training.
 - 201805712 involved allegations of Force – Physical, Discourtesy – Action and Discourtesy – Word against Det. T [REDACTED]. The Board recommended Command Discipline B and the NYPD imposed no penalty.
 - Det. T [REDACTED] CCRB history reflects a pattern of vehicle searches pertinent to this investigation.

- Det. E [REDACTED] L [REDACTED] has been a member of service for five years and has been the subject in six other CCRB complaints and 17 other allegations, none of which were substantiated (**Board Review 23**):
 - Det. L [REDACTED] CCRB history reflects a pattern of vehicle searches pertinent to this investigation.
- This is the first CCRB complaint to which R [REDACTED] N [REDACTED] has been a party. (**Board Review 24**)
- This is the first CCRB complaint to which Ro [REDACTED] N [REDACTED] has been a party. (**Board Review 25**)
- This is the first CCRB complaint to which P [REDACTED] N [REDACTED] has been a party. (**Board Review 26**)

Mediation, Civil and Criminal Histories

- None of the victims accepted mediation.
- On August 2, 2021, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller. On August 9, 2021, the NYC Office of the Comptroller stated no notices of claim filed by or on behalf of Ro [REDACTED] N [REDACTED] or P [REDACTED] N [REDACTED] were located for this incident. **(Board Review 27)**
- According to the Office of Court Administration (OCA), Ro [REDACTED] N [REDACTED] has no history of convictions in New York City. **(Board Review 28)**
- According to the Office of Court Administration (OCA), P [REDACTED] N [REDACTED] has no history of convictions in New York City. **(Board Review 29)**

Squad No.: 7

Investigator: Nicholas Venduras Inv. Nicholas Venduras October 5, 2021
Signature Print Title & Name Date

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

October 5, 2021 _____

Date _____

Reviewer: _____

Signature Print Title & Name Date